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DISCUSSION
THE PROBLEMS OF THE SMALL HOUSE
By OTTO W. DAVIS
MR. ROBERT W. DEFOREST presiding
Saturday, June 3, at 3 o'clock

DR. F. E. FRONCZAK, Health Commissioner, Buffalo :

For the last fifteen years I have been attending various conferences, but I have never attended a conference where I met so many "knockers" as at this conference. Almost every body who has spoken here to-day seems to have criticized his own home city, but I am not going to do it. Buffalo is my native town. I did not come over in the Mayflower, and neither did my ancestors come over on that boat. I, in common with a few others, am a descendant of an immigrant; in fact we are all a collection of immigrants, and it is only a question of how many generations back we arrived here. Most of the speakers here are foreigners or sons of foreigners. Now, Buffalo is a very cosmopolitan city. It contains about 99½ per cent of foreigners, and the rest, one-half of one per cent, are only American citizens about two or three generations back.

Buffalo has had a very serious small-house problem; in fact the question of the tenement-house problem has been so burning in Buffalo for the last two or three decades that, as Mr. Veiller has said himself, in the circular giving the objects of the National Housing Association, as early as 1892 Buffalo took hold of the tenement-house question and the housing question, and the question of the tenement-house law, and the result has been that conditions have improved very much since the tenement-house laws of 1902, but they are far from what they ought to be. Buffalo has no alley question, and it has really no question of tenement-houses, or buildings where 40 or 60 or 80 tenants live in one room, and there are absolutely no three-deckers. It is a city composed of small tenements only.

I was born in a district, and have lived for the last thirty years

in a district composed of tenements having three or four families at the most, in the Polish section of the city of Buffalo. There are between 80,000 and 90,000 Poles in the city of Buffalo living in a district comprising about two square miles, and all of them living in houses which have, at the most, four families. I do not know of any single building anywhere, in the two square miles of the so-called New Poland of Buffalo, where there are more than eight families living, and since I became health commissioner of the city of Buffalo, more than a year ago, I have refused to sign any application to build a tenement house in which they were trying to put more than four families. I believe in the small cottage, and I believe that a building built for two families at the most is enough. Of course these tenement houses, or these small houses, may be "fixed" in some way—the law governing tenement houses may be evaded by building back-to-back houses, having two families in each house. Really, they are tenement houses, but technically they have escaped that name. Ninety-nine per cent of the small houses of Buffalo are built at least four feet away from the neighboring houses with yards of at least twenty or thirty feet. Therefore I was very much surprised, when I went over the tenement-house reports recently, to find that in the inspection made last year 276 rooms were found which were windowless. These dark rooms are in the old part, at present occupied by Italians, but even there these conditions have been rapidly remedied—and wherever possible we give them only ten days' notice to correct any dark-room condition. We have no rooms in the cellars. I do not believe the city of Buffalo can show 100 families living in cellars, and at present no building is allowed to be put up which will permit any family to live in a cellar. Anyone who has read the book of Mr. Veiller on "*Housing and Health*," anyone who has read the pamphlet by Mr. Ford, of Harvard University, and anyone who has read and digested the President's home-commission report, has learned all there is to be learned on the subject of small houses; and if he puts his knowledge into practise there is no need for conferences to be held or for a poor amateur like me to give you professionals any advice.

Our problem is not that of ventilation, or of privacy, because every two families in Buffalo are supposed to have toilet facilities, and if they do not, we want to know the reason why, and when it is found out I see that they are provided with such facilities within ten days. The question with us is how to prevent keeping boarders in a small house. I have had a number of night inspections made, and wherever we found that more people slept in a room than the laws permitted, namely, one person for each four hundred cubic feet, I have seen to it that within five days the boarders were removed, and if they were not we have always found some good reason for prosecuting the owner or the tenant, and so far we have had no failures.

Of course, I have a bad reputation in Buffalo, where I am known as a tyrant, and I dare say that if you put it to a popular vote as to who is the most unpopular man in Buffalo, I should win hands down. But I believe in good housing conditions, and I believe that the only way of attaining results, and the only way to teach people the proper way to live is to go about it in somewhat of a "tyrannical" way. The only reason that I know it, is because I have lived among them, and I live among them to-day. I want the conditions to improve and the way to have them improve is to teach people that the small house, built for two or four people, is not the house built for two or four families.

Of course, under the state law, the tenement-house law, much can be done if the house is a tenement house having three families or four, or where three families have certain common rights and where cooking is done on the premises; but in any building where there are only two families living, another situation exists under the law, and I believe that if a law were passed, and carried out, whereby the two-family house and the one-family house, which does not comply at least with the regulations provided by the tenement-house law—if such a law could be in some way enforced, then those conditions could be removed and I believe much would be done.

John Daniels, of Harvard, last year, made a survey of the city of Buffalo, and especially of the Polish section, and if John Daniels were to do nothing more in his life than he did in placing before the citizens of Buffalo the conditions existing in

some parts of the city, he would have done enough. The result of this was the addition of six tenement-house inspectors to the existing force in the health department. On my part it was a case of telling them, "You must provide what the health department wants or look for another health commissioner," and the city of Buffalo did provide these tenement-house inspectors, and they are doing great work, not only in tenement-houses but in small houses built for one family or two.

Much can be said on the question of the small house, but as I stated before, you do not have to listen to me. When you get home to-night, if you have not already got the book on the subject,—Mr. Veiller's *Housing and Health*—I advise you to get a copy and digest it and learn it by heart, and then go ahead and follow its advice, and the small-house question will be solved.¹

MR. C. A. HALBERT, Secretary Board of Public Welfare,
Kansas City, Mo:

The question raised by Mr. Davis in his paper as to why the same amount of consideration is not given to the regulation of small houses as of tenement houses, is an interesting one, but to anyone who has attempted to promote social legislation the answer soon appears, I think. It is the same that you find when you want to regulate compensation, or almost anything else; that is, that the constitution is in the way.

The preamble of the constitution says that it is to promote the general welfare, but the interpretation of that is that oftentimes it is to protect the interests of property and to hinder the promotion of the general welfare where it conflicts with those interests. That may seem to be an unreasonable statement, but is it not really true? The reason that legislation was first directed to tenement houses was that tenement houses were supposed to be a little more public in their function than private houses, and that they contained two or three families that had to use certain hallways and other things together. Hence these places were considered public and therefore subject to public legislation, and legislators did not find it practicable to

¹ See also Veiller's *Housing Reform and Model Tenement House Law*.

extend the legislation to any other class of houses for fear that it might be interpreted as an encroachment on the rights of private property or private owners. So, as sentiment changes and the constitution changes and judges change, and find that some things are constitutional that they did not think constitutional in the first place, probably they will find out by and by that it is constitutional to provide regulations for the single-family house. One of the difficulties with single-family houses that we have discovered in Kansas City is a lack of water supply and sewerage. The city limits include large territory, and new buildings are often erected so far from the center of the town that the water system has not been extended to connect with them, and the same is true of the sewer system. The people have unsanitary wells, and they provide privy vaults, which, when the city development reaches that far, have to be abolished.

Some European cities make it a regulation that when ground is plotted the sewer and water systems must be put in before any building operations are commenced, and it seems to me that that would prevent our having to go back and correct quite a number of these things that arise in that way, where the city is built before those provisions are made. While it is not altogether germane to this, I should like to take a moment or two to relate what we have been doing in Kansas City. One of the things relates to small houses, and that is that the "Patch" in Kansas City has been entirely wiped out. The "Patch" was a small section of houses on the Kansas side of the city arranged irregularly, with paths running between them. Although they did not hold many people, Professor Graham Taylor said in 1903 that it was the worst place sociologically that he had ever seen in the United States. That "Patch" has been entirely wiped out through the activities of the city authorities who found it a nuisance and a menace to the general health of the community. It was the activities of the attorney general's office that led to its being destroyed.

The Board of Public Welfare, with which I am connected, is concerned with public investigations for two reasons; one is, that the ordinance says that the board's investigators shall

investigate conditions of living, and the other is that the work of the Tenement House Commission was passed over to the Board of Public Welfare when that board was established. We have spent something like \$3,500 in investigation, which included both small houses and tenement houses, without regard to any legal definition. The result has been the inspection of some 6,000 houses, and complaints were made to the various authorities that could remedy them in the case of about 2,000. We know that some 600 have been improved; for our investigators have gone back to see if there were any results coming from their complaints, and they have found that improvements costing at least \$25,000 have been made, at an expense for investigation of only about \$3,500.

THE PRESIDENT:

While somebody is making up his mind what to say on this general subject, I will say two or three words myself. As a lawyer, I feel obliged to come to the rescue of the constitution, and to say that there is no constitutional objection to regulating sanitary conditions in the two-family and single-family house.

The question that Mr. Davis has raised is an exceedingly interesting one. It is practically this: Should some of the regulations that have been applied to tenements be extended to some of the other types of houses; that is, should the two-family house, or possibly the single-family house, be brought under the same regulations as the house occupied by three or more families? Heretofore this has not been done. It is not so many years since there was no regulation at all with regard to three or more family houses, that is, tenement houses. There are strong fundamental reasons lying in the liberty of the individual, which we American people have acted upon in the past, and which lead us not to impose government regulation upon our activities unless there be some controlling reason for doing it; unless there be some evil sufficiently great to warrant restraining our liberty in the use of our property. Those of you who are familiar with country conditions realize that in building in the country, even if you build a tenement house, you meet no building regulation, no tenement regulation, and no special

sanitary regulation outside the fundamental principles of sanitary law. In the country any of us can build as we please. Why? Because up to the present time the evils incident to letting people build in the country as they please have not been sufficiently great to warrant any restraint upon the liberty of the individual in using his property. Carry that further to the small village or town. It is not until the village begins to grow into the town or the town into the city, that we have anything in the nature of regulation applicable to any kind of structure. That is because the evil of that degree of freedom has not been sufficiently patent to warrant interference with individual action. We have proceeded upon the hypothesis, and that hypothesis is justified in most instances, that a person who builds a single-family house for himself or for his neighbor will presumably build it for himself or his neighbor so that it will be safe to occupy and will not be harmful to the community. We have proceeded hitherto on that same hypothesis in regard to two families, and it is only when it comes to three-family houses that we have thought it necessary thus far to intervene. Should we now, for the protection of the public, go farther than we have gone? That is the question raised by Mr. Davis's paper and it is an exceedingly interesting question. The evils of the two-family houses of which he has spoken, dark rooms and lack of toilet facilities and running water, are real evils. Do these evils make it wise or necessary to go further? That is the question.

MR. BALL:

One of the points in which Chicago has been preëminent, is that in copying in 1902 the New York standard our ordinance prescribed that it should apply to two-family houses. It has been so for nine years, and it was, I think, the first and most noteworthy example in that regard.

I do not think there is any probability that it will be changed in Chicago. The regulation of the single-family house, however, was absolutely lacking until this year. Our tenement code, which took effect January 12th, describes habitable rooms with practically the same conditions that are prescribed for such rooms in tenement houses. Heretofore a man could build over

his entire lot, if he were building a residence: he could build rooms as small as he pleased, entirely without windows and with any ceiling height that he desired. Strange to say, some of the strongest objections to the inclusion of such dwellings, in respect to habitable rooms, came from architects who have been designing for wealthy people, who said that they wanted to build in these great houses small rooms for servants.

DR. DEVINE:

My friend from Indiana, who will not speak out in meeting, although I had hoped she would, calls my attention to the fact that the law in three cities in Indiana,—Evansville, Fort Wayne and Indianapolis,—applies also to all two-family houses as well as three-family houses.

DR. GUY L. KIEFER, Health Officer, Detroit:

It has seemed to me, in listening to the discussions, that the program mapped out for the correction of the evils, namely, one of education and the enforcement of legislation, is absolutely correct, and if I am to say something I would strongly emphasize the educational feature of it.

In Detroit we have a housing problem. Mr. Veiller said something to you about our having alleys. We have alleys, and we have bad housing conditions arising from a situation similar to that described this afternoon as existing in Baltimore, where houses now too large for one family are being occupied by a number of families. We have also two-family houses where there is a lack of toilet facilities, where privies still exist, and where there are some other conditions similar to those described.

We have no specific law governing these conditions, but we have general health laws. The laws govern sanitary conditions in cities and villages and townships, and we have health-board regulations, which have the effect of ordinances, requiring that no unsanitary conditions such as have been described shall exist, whether the house is occupied by one family or more than one.

To achieve success in bringing about better conditions we must have a campaign of education; if you have the people

educated to favor better conditions, you will get them. Sometimes the health officer is said not to know the conditions, but he knows them. I know them. I have been health officer of the city of Detroit for ten years. I know the conditions, but I cannot do much about these things unless the people want it done, and on this account we need a campaign of education. In other words, we welcome the coöperation of the various charitable organizations that have to do with these things, and we want them to create sentiment for us. We will show them the conditions, for we know where they are. We have corrected some of them by enforcing the law, and if we keep at it we shall certainly get results. Why are we getting results? It is because of the education that has been going on. For example, in the case of tuberculosis, the people are beginning to believe that there is need for regulation, and the courts are taking notice. Now, if we can get people to take notice about unsanitary conditions, we can enforce our regulations, and it seems to me that it is a matter of education, more education, and again more education.

DR. H. K. BEATTY, Health Department, Pittsburgh:

Every Tuesday morning, or every other Tuesday morning, I get before me fifty-four inspectors and talk to them on personal sanitation and tell them how they shall talk to the people with whom they come in contact. I tell them that they must tell those people how to live. We have nearly as many foreigners in Pittsburgh as they have in Buffalo, and the foreigners are getting to be the cleanest people in Pittsburgh. This is due to education, and it is something new. When they get clean, they are so pleased that they tell everybody else, and they go back to the old country telling their people how nice it is to be decent and clean; thus they are carrying the Bible to the heathen. So, if you go at it in the proper way, you can accomplish much by education.

Every two weeks I go to my plumbing inspectors, of whom I have sixteen, and tell them what I want them to do in regard to the inspection of plumbing; I tell them what to say to the people who have bad plumbing; I say to them what I want them to

say to the people who will not permit them to go into their houses to make an inspection; above all, I tell them that they ought to try to be gentlemen. As a result of that I am getting a wonderful amount of work done.

You will ask, what work? We have 14,260 tenement houses in the city of Pittsburgh and we have all but about 200 of those houses registered and in excellent sanitary condition. We have no dark rooms or tenement houses. We have abandoned during the last few years 11,000 outside water closets, but we still have 13,960 such closets. I am ashamed of it. But it is a revelation to any man or woman who has not recently been in Pittsburgh to visit that city to-day. Our alleys are clean. We have a great many bad conditions; we are not so good as Buffalo, but we absolutely have made such improvement in conditions in Pittsburgh that the doctors are commencing to move out and complaining that they haven't anything to do.

Mr. SAMUEL P. WITHROW, Superintendent Anti-Tuberculosis League, Cincinnati:

I feel a word of defense should be said for Cincinnati. We have heard from St. Louis and Cleveland and Pittsburgh. I have come here to say one word on this tenement question, as to education. We have been doing some lively work along the lines of tuberculosis in Cincinnati, and are getting some great results. We are expecting to apply the methods to the tenement-house problem. I have a circular in the hands of the printers now, which we are going to circulate through the industrial insurance companies. The circular will be entitled, "*Where Do You Live and How Do You Live?*" We call attention to a chart prepared and used for other purposes, showing that the death rate from tuberculosis is 5.25 per thousand annually in the poorer section, but in the best section it is .58, and we shall show them that if the very worst spots were selected, the difference would probably be about 12 to 1.

In this circular, after telling what are the principal causes of tuberculosis—lack of cleanliness, lack of light and air, lack of plumbing and drainage and lack of proper vault and water-closet conditions—we take each subject separately, and after telling of

the importance of carefulness upon this question, we publish the law on the subject. Our purpose is to let each person living in the tenement-house section, as well as the landlord, know just what the law is, for I believe that if the law is known, and if there is sentiment backing it, we can reasonably ask a city official to enforce it. I do not believe that it is in reason to ask a city official to enforce a law, or to blame a city official for not enforcing a law for which there is no sentiment. I simply want to appeal for more education upon these subjects, and then our city officials cannot help but enforce the laws.

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